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July 28, 2025

VIA ECF

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *In re National Instruments Corp. Securities Litigation*,  
Case No. 1:23-cv-10488-DLC (S.D.N.Y.)

Dear Judge Cote:

In accordance with Rule 8.B of Your Honor's Individual Practices in Civil Cases and the Stipulation and Protective Order (ECF 57) (the "Protective Order"), Lead Plaintiff respectfully requests leave to file the following materials with redactions:

- Lead Plaintiff's Reply Memorandum of Law in Further Support of Lead Plaintiff's Motion for Class Certification and Appointment of Class Representative and Class Counsel ("Class Certification Reply Brief"); and
- The Expert Report of Matthew D. Cain, Ph.D. (the "Merits Report"), submitted in support of the Class Certification Reply Brief as Ex. A to the Declaration of Noam Mandel in Support of the Motion ("Mandel Decl.").

In addition, Lead Plaintiff respectfully requests leave to file under seal excerpts of the deposition transcript of David J. Denis, Ph.D. ("Dr. Denis"), submitted in support of the Class Certification Reply Brief as Ex. B to the Mandel Decl.

The Class Certification Reply Brief and the Merits Report quote from and cite documents that Defendants and third party, Bank of America Securities, Inc. ("BoFA"), have designated as confidential under the Protective Order. The transcript of the deposition of Dr. Denis remains confidential by default under paragraph 3(c) of the Protective Order at this time. Accordingly, Lead Plaintiff respectfully seeks the Court's permission to file redacted versions of the Class Certification

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Reply Brief and the Merits Report, and to file excerpts of the deposition transcript of Dr. Denis under seal.

Although Lead Plaintiff takes no position regarding whether the information in the foregoing materials qualify for redaction or filing under seal, Lead Plaintiff has filed these materials with redactions or under seal in compliance with the Court's Rule 8.B based on Defendants' and BofA's confidentiality designations and paragraph 3(c) of the Protective Order.<sup>1</sup>

Respectfully submitted,

/s/ Noam Mandel

Noam Mandel

*Confidentiality designations are insufficient to  
support redaction. Any explanation for redactions  
is due 8/8/25.*

*Denise Cote  
7/29/25*

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<sup>1</sup> Lead Plaintiff also attaches hereto an Appendix identifying all Parties and Attorneys of Record who should have access to the sealed documents.

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**APPENDIX**

**Parties:**

1. Wayne County Employees' Retirement System
2. National Instruments Corporation
3. Eric Starkloff
4. Michael McGrath

**Attorneys:**

1. Noam Mandel
2. Desiree Cummings
3. Chad Johnson
4. Christopher T. Gilroy
5. Alyssa H. Plascoff
6. James F. Bennett
7. John D. Comerford
8. Andrew Ditchfield
9. Jeremy M. Hofman
10. Megan S. Heinz